

George Hofmann (10005)
Matthew M. Boley (8536)
Jeffrey Trousdale (14814)
Cohne Kinghorn, P.C.
111 East Broadway, 11th Floor
Salt Lake City, UT 84111
Telephone: (801) 363-4300
Email: jtrousdale@ck.law

Attorneys for George Hofmann,
Chapter 11 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

VIDANGEL, INC.,

Debtor.

Bankruptcy No. 17-29073 (KRA)

Chapter 11

**JOINT MOTION TO CONVERT TRUSTEE'S OBJECTION TO PROOF OF CLAIM
FILED BY CLEARPLAY, INC. TO ADVERSARY PROCEEDING**

The Trustee¹ and Clearplay, Inc. ("Clearplay"), through their respective undersigned counsel, stipulate, agree and jointly move the Court as follows:

1. On April 14, 2020, the Trustee filed the *Trustee's Objection to Proof of Claim Filed by Clearplay Inc.* [Docket No. 614] (the "Claim Objection"), wherein he objects to Proof of Claim No. 12-1, filed by Clearplay (the "Claim").
2. On September 8, 2020, the Trustee filed his Notice of the Claim Objection, setting forth a deadline of October 13, 2020, to respond to the Claim Objection, and scheduling a hearing for October 27, 2020 for the Claim Objection.

¹ The "Trustee" means and refers to George Hofmann, in his capacity as the trustee of the chapter 11 bankruptcy estate of VidAngel, Inc. (the "Debtor").

3. The Trustee and Clearplay desire to convert the Claim Objection to an adversary proceeding, pursuant to the following procedures (the “Conversion Procedures”)—

(a) The Claim Objection shall be converted into an adversary proceeding, with a separate adversary proceeding number and adversary proceeding docket.

(b) The Claim Objection shall be deemed the “complaint,” and the responsive pleading shall be deemed the “answer” to the complaint.

(c) Clearplay shall have thirty (30) days from the date of the entry of the Order approving this Motion (the “Order”) to file its answer to the Claim Objection. Alternatively, within fourteen (14) days from the date of the entry of the Order, Clearplay may request that the Trustee or Reorganized Debtor (as the case may be) file an amended pleading in the “traditional” form of a complaint, by filing a notice on the adversary proceeding docket. The amended pleading/complaint must be filed within 21 days of such request. Clearplay shall then file an answer within 30 days after the amended pleading/complaint is filed.

(d) Parties-in-interest with standing to do so shall have the right to file a motion to intervene. For example, under Bankruptcy Code § 502(a), all creditors and parties-in-interest have standing to object to a claim. Further, pursuant to Bankruptcy Rule 3008, all creditors and other parties-in-interest have standing to “move for reconsideration of an order allowing or disallowing a claim against the estate.”

(e) After Clearplay files its answer in the time set forth in subsection 2(c) of the Order, the Court will set an initial status conference in the adversary

proceeding. At the status conferences, the parties can discuss case procedure, discovery matters, and any other pertinent issues.

(f) Within seven (7) days from the entry of the Order, the Reorganized Debtor will pay the fee owed under 28 U.S.C. § 1930 for the filing of an adversary proceeding.

4. The hearing scheduled for October 27, 2020, shall be stricken.

WHEREFORE, the Trustee and Clearplay respectfully pray that the Court will enter an order granting the relief requested herein, and that it will grant such other and further relief as is just and appropriate. A proposed *Order Granting Joint Motion to Convert Trustee's Objection to Proof of Claim Filed by Clearplay, Inc. to Adversary Proceeding* is submitted contemporaneously herewith.

DATED this 13th day of October, 2020.

BEUS GILBERT MCGRODER PLLC

/s/ K. Reed Willis (with permission)
K. REED WILLIS
Attorneys for Clearplay, Inc.

COHNE KINGHORN P.C.

/s/ Jeffrey Trousdale
JEFFREY TROUSDALE
Attorneys for the Chapter 11 Trustee